

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

EUGENE CASTELLE,
a/k/a "Boobsie,"

Defendant.

- - - - - x

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: AMENDED PRELIMINARY ORDER
OF FORFEITURE /
: MONEY JUDGMENT

: S7 18 Cr. 15 (AKH)

:

WHEREAS, on or about May 1, 2019, EUGENE CASTELLE, a/k/a "Boobsie," (the "defendant") was charged in a three-count Superseding Indictment, S7 18 Cr. 15 (AKH) (the "Indictment"), with willfully and knowingly conducting, financing, managing, supervising, directing, and owning an illegal gambling business in violation of Title 18, United States Code, Sections 1955 and 2, (Count One); with unlawfully and knowingly committing and attempting to commit extortion in violation of Title 18, United States Code, Sections 1951 and 2, (Count Two); and with willfully and knowingly participating in a racketeering conspiracy in violation of Title 18, United States Code, Section 1962(d), (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission

of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment that the defendant personally obtained;

WHEREAS, the Indictment included a forfeiture allegation as to Count Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1963, of any and all interests the defendant acquired in furtherance of the conspiracy charged in Count Three, of any and all interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over the enterprise described in Count Three, and any and all property constituting and derived from proceeds obtained, directly and indirectly, from the racketeering activity in Count Three, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count Three of the Indictment that the defendant personally obtained;

WHEREAS, on or about May 31, 2019, following a jury trial, the defendant was found guilty of Counts One and Three of the Indictment;

WHEREAS, the Government asserts that \$188,955 in United States currency represents property constituting, or derived from proceeds traceable to the commission of the offenses charged in Counts One and Three of the Indictment;

WHEREAS, the Government seeks a money judgment in the amount of \$188,955 in United States currency pursuant to Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States Code, Section 2461; and Title 18, United States Code, Section 1963 representing proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Three of the Indictment, to which the defendant was found guilty by a jury, a money judgment in the amount of \$188,955 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One

and Three of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, EUGENE CASTELLE, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Department of Treasury or its designee shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

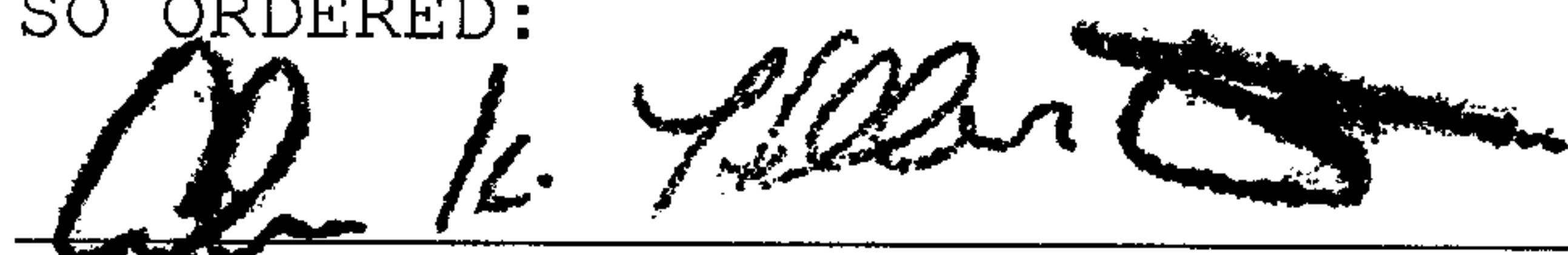
5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:



HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE

8/27/2020
DATE